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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: SIEGALL *et al.*

Confirmation No.: 9908

Serial No.: 09/724,409

Examiner: Canella, K.

Filed: November 28, 2000

Group Art Unit: 1642

For: NUCLEIC ACIDS ENCODING ANTI-CD40  
ANTIBODIES AND METHODS OF PRODUCING  
RECOMBINANT ANTI-CD40 PROTEINS

Attorney Docket No.: 9632-014

**STATEMENT OF ATTORNEYS FOR ASSIGNEE REGARDING  
PERMANENCE AND AVAILABILITY OF DEPOSITED MICROORGANISMS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

**FEB 24 2004**

Sir:


We, attorneys for the Assignee in the above-captioned application, declare and state:

1. That we represent Seattle Genetics, Inc., having a place of business at 22215 26th Avenue SE, Bothell, Washington 98021, and being present assignee of the application.
2. That hybridoma S2C6, secreting native monoclonal antibody S2C6, was deposited with the American Type Culture Collection (ATCC), at 10801 University Boulevard, Manassas, Virginia 20110-2209, on May 25, 1999, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure on behalf of the Applicants and Seattle Genetics, Inc. The deposited hybridoma was assigned ATCC accession number PTA-110.
3. We hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the hybridoma referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent making

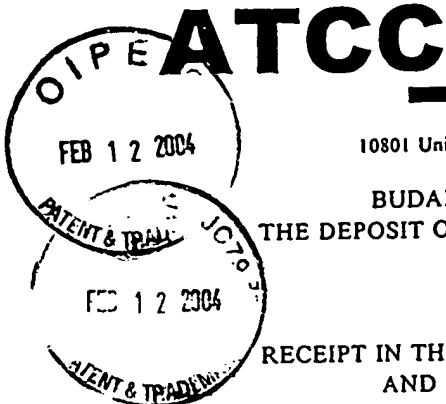
reference to the hybridoma; (b) the hybridoma will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of the deposited hybridoma was received by the ATCC and, in any case for a period of at least 30 years after the date of deposit; (c) should the deposit become non-viable it will be replaced by the Assignee; and (d) access to the hybridoma will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to the hybridoma under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

Respectfully submitted,

Date: February 12, 2004

  
Adriane M. Antler REG. NO. 40,203 32,605  
Adriane M. Antler (Reg. No.)  
**JONES DAY**  
222 E. 41<sup>st</sup> St.  
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Enclosures



10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Seattle Genetics, Inc.  
Attn: Clay B. Siegall, Ph.D.  
22215 26th Avenue S.E., Suite 3000  
Bothell, WA 98021

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Deposited on Behalf of: Seattle Genetics, Inc.

Identification Reference by Depositor:

Patent Deposit Designation

Murine hybridoma S2C6

PTA-110

The deposit was accompanied by: \_\_\_ a scientific description \_\_\_ a proposed taxonomic description indicated above.

The deposit was received May 25, 1999 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested June 3, 1999. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara M. Halley  
Barbara M. Halley, Administrator, Patent Depository

Date: June 3, 1999

cc: S. Leslie Misrock, Esq. (Ref. Docket 9632-005)